

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, et al.,

Plaintiffs,

v.

No. 1:19-cv-00272-LCB-LPA

DALE FOLWELL, et al.,

Defendants.

**JOINT MOTION TO SPECIALLY SET TRIAL AND ALLOW 8-10 DAYS FOR
PROCEEDINGS**

Plaintiffs Maxwell Kadel, Sam Silvaine, Jason Fleck, Connor Thonen-Fleck, Julia McKeown, Michael D. Bunting, Jr., C.B., and Dana Caraway (collectively, “Plaintiffs”) and Defendants Dale Folwell, Dee Jones, and North Carolina State Health Plan for Teachers and State Employees, and State of North Carolina Department of Public Safety (collectively, “Defendants”) hereby jointly move this Court to specially set the trial of this matter for a date certain and to allow 8-10 days for trial proceedings, and state as follows:

1. This matter is currently scheduled for trial before the Court during the term commencing on July 5, 2022, at 9:30 a.m. *See* ECF No. 222.
2. The pretrial disclosures must be made no later than June 3, 2022, motions in limine must be filed no later than June 10, 2022, and any objections to pretrial

disclosures and responses to motions in lime must be served and filed no later than June 17, 2022.

3. The Parties have conferred and believe that this case will take longer to try than their initial five-day estimate set forth in the Parties' Rule 26(f) Report. *See* ECF No. 61.

4. Since the Parties filed their Rule 26(f) Report, they have added a plaintiff, Dana Caraway, and a defendant, North Carolina Department of Public Safety. *See* ECF No. 75.

5. The Parties have also found it necessary to rely on more expert witnesses, who likely will be called at trial, than initially anticipated when they filed the Rule 26(f) Report.

6. For these reasons, the Parties now estimate that this trial will take 8-10 days to complete and ask that the Court modify the time for trial accordingly.

7. The Parties also ask that trial be specially set and the accompanying pretrial deadlines be adjusted accordingly for a date certain.

8. Every expert witness that Plaintiffs or Defendants intend to call at trial resides outside of the State of North Carolina and, therefore, will need to travel to Winston-Salem for trial.

9. Plaintiffs expect to call experts who live in San Francisco, CA, Los Angeles, CA, Chicago, IL, and Johnson City, TN. Defendants' experts are located in St. Louis, MO, Baltimore, MD, Cleveland, OH, and Decatur, AL. Given the difficulties

associated with travel, coordinating schedules, securing lodging and workspace, and other logistical challenges, the Parties (and potentially the Court) would greatly benefit from this matter being specially set by the Court.

10. Additionally, Defendants include public officials, including the elected North Carolina State Treasurer, who have substantial responsibilities and difficult schedules because of their official duties and responsibilities.

11. Moreover, all of the Plaintiffs will need to travel from across the state. Plaintiffs have substantial responsibilities in their respective workplaces or places of education and will need to make arrangements in order to be available for trial.

12. The Parties submit that a specially set trial date would eliminate the potential expense and prejudice that would result if all of the parties and witnesses traveled to Winston-Salem only to have the trial delayed until later in the trial period.

WHEREFORE, the Parties respectfully request that the Court grant their Joint Motion to Specially Set Trial and Allow 8-10 Days for Proceedings.

Dated: May 19, 2022

/s/ Amy Richardson

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CERTIFICATE OF SERVICE

I certify that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

Dated: May 19, 2022

/s/ Amy Richardson

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